Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently amended) A surveying instrument, comprising a collimation optical system having an optical axis and a visible laser projecting device with a visible laser light source unit for emitting a visible laser point light to said collimation optical axis of said collimation optical system, wherein said surveying instrument comprises a photodetector for detecting said point light, a wavelength selecting means for selectively transmitting said point light, an optical means having said wavelength selecting means and for selectively allowing said point light, which is projected from said collimation optical system, to pass and for directing said point light to said photodetector, ~~a reflection light entering from said collimation optical system,~~ and a control means for controlling the light emitting condition ~~emission~~ of said visible laser light source unit based on a detection result of said photodetector when a photodetection signal from said photodetector is above a predetermined level.

2. (Cancelled)

3. (Currently amended) A surveying instrument according to claim ~~2~~ 1, wherein said control means drives or stops the light emission of said visible laser light source unit.

4. (Currently amended) A surveying instrument according to claim ~~2~~ 1, wherein said control means ~~adjusts~~ reduces the intensity ~~a light amount~~ of the light emitted from said visible laser light source unit.

5-8. (Cancelled)

9. (New) A surveying instrument according to claim 1, wherein said optical means comprises an erect image prism having a plurality of reflection surfaces, and said wavelength selecting means is formed on one of said reflection surfaces of said erect image prism.

10. (New) A surveying instrument, comprising a collimation optical system and a visible laser projecting device with a visible laser light source unit for emitting a visible laser

point light to a collimation optical axis of said collimation optical system, wherein said surveying instrument comprises a distance measuring optical system for emitting a distance measuring light which has a width wider than a width of the point light to the collimation optical axis, a wavelength selecting means for selectively dividing the distance measuring light, an optical means for selectively directing the distance measuring light which is projected from said collimation optical system to said distance measuring optical system by said wavelength selecting means, and a control means for controlling the light emitting condition of said visible laser light source unit in case said distance measuring optical system receives the distance measuring light.

11. (New) A surveying instrument according to claim 10, wherein said control means reduces the intensity of the light emitted from said visible laser light source unit.

12. (New) A surveying instrument according to claim 10, wherein said control means reduces the intensity of the light emitted from said visible laser light source unit in case said distance measuring optical system receives the distance measuring light.

13. (New) A surveying instrument according to claim 10, wherein said distance measuring optical system comprises a light intensity adjusting filter for adjusting a photodetection light intensity of the distance measuring light, the amount of the adjustment of said light intensity adjusting filter is detected, and said control means controls the light emitting condition of said visible laser light source unit based on the detection.